

### REMARKS

Claims 23-50 are pending. Claims 23-30, 45, and 46 are under consideration. Claims 23-25, 28, 29, 45, and 46 stand rejected for lack of enablement.

#### Species Election

Applicants confirm the election of the species of HCV without traverse. Claims 23-25, 28-29, 51, and 52 read on the elected species.

#### Support for the amendments

Applicants have amended claim 23 to be commensurate with the election of Group G. Claim 23 has further been amended to delete reference to prevention and to specify that the viral infection being treated is a Flaviviridae or Picornaviridae viral infection, which finds support in claims 24 and 26. Claims 30, 45, and 46 and all unelected claims have been cancelled. New claim 51 finds support, for example, in Table 8 on pages 87-89, with reference to compounds GPJN-31, GPJN-34, and GPJN-35. New claim 52 finds support, for example, on page 24, formula II. No new matter has been added.

#### Rejections under 35 U.S.C. § 112, first paragraph

Claims 23-25, 28, 29, 45, and 46 stand rejected for lack of enablement. The Office has, however, acknowledged that treatment of single strand RNA viral infections, as recited in claims 24-26, using a compound of formula (Z) in which X is methylene, and Y

is a bond is enabled.<sup>1</sup> Without agreeing with the Office's position that the previous scope of claim 23 was not fully enabled, Applicants have amended claim 23 to recite the subject matter indicated as enabled. Applicants reserve the right to pursue cancelled subject matter in this or continuing application.

As the claims are now directed to subject matter acknowledged by the Office as being enabled, the rejection may be withdrawn.

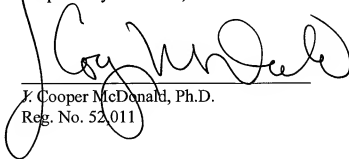
### CONCLUSION

Applicants submit that the claims are in condition for allowance, and such action is respectfully requested. Enclosed is a petition to extend the period for reply for three months. If there are any additional charges or credits, please also apply them to Deposit Account No. 03-2095.

Date:

5/15/09

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'J. Cooper McDonald', is written over a horizontal line.

J. Cooper McDonald, Ph.D.  
Reg. No. 52,011

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045

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<sup>1</sup> We note a typographical error on page 4 of the action, which refers to X being a bond, and Y being methylene. As bond is not a possible choice for X in claim 23, we assume that X and Y were inadvertently swapped in the action.